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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,510	12/17/1998	PETER BRANDT	3557-US	6783

7590 07/30/2002

MARTIN A FARBER
866 UNITED NATIONS PLAZA
SUITE 473
NEW YORK, NY 10017

EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/213,510

Applicant(s)
Brandt et al.

Examiner
Dung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 13, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, and 4-16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/13/2002 has been entered.

Applicant's amendment dated 03/26/2002 has been received and entered.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1" and "6" have both been used to designate a dial plate and a film which is cover the dial plate. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. OK

The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 1-2, 4-10 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 16, the amended those claims (amendment filed on 03/26/2002) recite a limitation of the front surface of the liquid crystal screen can be arranged in the same plane as the front surface of the dial plate. However, such amendment is not supported by the original disclosure.

Applicant is required to correct the claimed language to clarify the claimed subject matter or it must be re-filed as a continuation-in-part of the parent application, with a new oath or declaration.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2, 4-10 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 16, it is confusing and unclear how the front surface of the liquid crystal screen can be arranged in the same plane as the front surface of the dial plate. According the specification and drawings, the front surface of the liquid crystal screen (8) is arranged in the

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same plane as the surface of the optical waveguide (7) (i.e., front surface as shown in figures 2-5 or back surface as shown in figure 6).

Correction to the language is suggested to clarify the claimed subject matter.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasco, US Patent No. 4,323,951, in view of Ogura et al., US Patent No. 5,915,822 and Abileah et al., US Patent No. 5,629,784.

Regarding claims 11-14, Pasco discloses a vehicle panel (fig. 1) comprising:

- a plastic panel (1) having a dial plate (opaque screen 17) and an illuminate display character (16) located in a cut-out of the dial plate, wherein the display is arranged in the same plane as a front surface of the front of the dial plate to form therewith a single component with a continuous surface (fig. 2);
- a light source (12).

Although Pasco does not explicitly disclose the display being a liquid crystal display (LCD) having a diffuser (i.e, empty spacer acting as a light proof channel) disposed between a liquid crystal screen and a front polarizer, one of ordinary skill in the art would have realized the desire to use an LCD having a front panel, a rear panel and polarizers, a diffuser film disposed

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between a front polarizer and the front panel as a display in the Pasco's device as shown by Ogura et al. (fig. 3) and Abileah et al. (fig. 3) . Therefore, it would have been obvious to one skill in the art at the time of the invention was made to use modify the Pasco's device having an LCD since it is a common practice in the art to obtain a meter with a thin structure of an LCD (Ogura et al., col. 6, ln. 11) as well as to reduces its ambient light reflective of the display (Abileah et al., abstract).

Regarding claim 15, the modification to Pasco discloses the claimed invention as described above except for a support element located at the back of the dial plate. However, one of ordinary skill in the art would have realized the desire to form a support element in the back of a dial plate to support the dial plate and a display. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the Ogura et al. meter having a support member because it is a common practice in the art to fix a dial plate and a display on the support member.

Response to Arguments

Applicant's arguments filed on 03/26/2002 have been considered but are moot in view of the new ground(s) of rejection as stated above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN

07/27/2002



William L. Sikes
Supervisory Patent Examiner
Technology Center 2800